

2009SP-008-001

Battery Park

Map: 131-12 Parcels:103, 104, 105

Green Hills/Midtown Community Plan

Council District 34 – Carter Todd

Staff Reviewer: Brenda Bernards

A request to change from R40 to SP-R zoning for properties located at 1103, 1105, and 1111 Battery Lane, approximately 1,500 feet east of Granny White Pike (7.4 acres), to permit up to 13 single-family lots, requested by Dale & Associates, applicant, for Aubrey B. Harwell Jr., Trustee, owner.

Staff Recommendation: Approve with conditions and a variance for street frontage for Lot 1

APPLICANT REQUEST - Preliminary SP

A request to change from One and Two-Family Residential (R40) to Specific Plan-Residential (SP-R) zoning for properties located at 1103, 1105, and 1111 Battery Lane, approximately 1,500 feet east of Granny White Pike (7.4 acres), to permit up to 13 single-family lots.

Existing Zoning

R40 District -R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

Proposed Zoning

SP-R District -Specific Plan-Residential is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes single family residential uses only.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Residential Low (RL) RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

Consistent with Policy? Yes, the proposed development, at 1.76 units per acre, is consistent with the RL policy. In addition, the proposed layout of the lots is consistent with the development pattern along Battery Lane and the adjacent properties to the east and west.

PLAN DETAILS The Battery Park SP will include up to 13 single-family lots accessed from a new, private cul-de-sac. The lots range in size from 10,350 square feet to 16,365 square feet. The residences on Lots 1, 2 and 13 will be oriented towards Battery Lane and the residences on the remaining lots will be oriented towards the new private road. The residences on Lots 2 and 13 will have secondary entrances that are oriented towards the new private road and include architectural features such as a side porch. Lots 1, 2 and 3 will be accessed from a private alley and Lots 12 and 13 will be accessed from a shared drive. Parking will be accommodated on site with rear or side entry garages.

The proposed residences will be a minimum of 2,500 square feet in size. The applicant has proposed a number of architectural standards that will be enforced through restrictive covenants. The plan includes a bulk standards table. For any development standards, not specifically shown on the SP plan the standards of the RS15 zoning district will apply.

Open Space and Landscape Buffers Approximately 40 percent of the property will be in open space. The bulk of the open space is located along Battery Lane. The portion of the properties along Battery Lane and along the east and west property boundaries are within the floodplain. The floodplain is primarily in the open space and landscape buffer yards. A 20 foot, C-3 standard Landscape Buffer Yard is shown along the western and eastern property lines. A 30 foot Landscape Buffer Yard is shown on the southern property line which is to be planted at the C-3 level of planting density.

Variance to the Subdivision Regulations As the SP is currently proposed, Lot 1 will not have street

frontage but rather will front onto the open space that fronts Battery Lane. While there is not a request for a subdivision at this time, the applicant has identified why a variance to the Subdivision Regulations could be supported. Staff agrees that the unique conditions of the site make it difficult to provide a development pattern consistent with the existing development pattern along Battery Lane without a variance to the frontage requirements. The unique conditions include a historical lane adjacent to the rear of the property and floodplain along Battery Lane. Lot 1 will front onto the open space and be accessed from the private alley.

Sidewalks Sidewalks are required, and shown on the plan, along Battery Lane. Sidewalks are also included on one side of the new road and will provide access to the un-improved lane to the rear of the property.

Historical Features The unimproved lane, identified as Kirkman Lane on the property maps is also known as Overton Lane. While staff would usually require that the SP provide vehicular access to a right-of-way, this particular lane has historical significance and is on the National Register of Historic Places. It is an antebellum road with a closely fitted, native limestone wall on the southern edge. Approximately 0.7 miles of the original two mile road, including the portion adjacent to the proposed SP, have remained unchanged and intact. It is unused by vehicles and was available for traveling by foot or by horseback. The wall remains intact but the lane has not been maintained as a path.

STORMWATER RECOMMENDATIONS Preliminary SP approved except as noted:

- The wet weather conveyances (2) within this property will be required to be within an easement. No buildings are allowed within the easement width.

WATER SERVICES RECOMMENDATION Preliminary approval.

FIRE MARSHAL RECOMMENDATION Conditional approval, all Fire Code requirements shall be met.

NES RECOMMENDATION

- 1) Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. This shall cover the entire project area.
- 2) Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
- 3) 20-foot public utility easement required adjacent to Battery Lane.
- 4) NES requires a 20-foot easement behind the private drive r-o-w.
- 5) NES will require a 20-foot PUE along the north side (across lots 2 & 13) of the private drives to get back to serve lot 1 and lot 14.
- 6) NES can meet with developer/engineer upon request to determine electrical service options
- 7) NES needs any drawings that will cover any road improvements to Metro r-o-w that Public Works will require.
- 8) Developer shall provide a street lighting layout plan to NES for conduit installation only.
- 9) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ www.nespower.com).

PUBLIC WORKS RECOMMENDATION

- All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
- Construct private street per standard drawing ST-251. Identify proposed roadway cross-section and profile.
- For proposed sidewalks along Battery Lane, construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways. Sidewalks are to be located within the public right of way / dedicate right of way.
- Submit left turn analysis to verify safe and efficient traffic operation.

Maximum Uses in Existing Zoning District: **R40**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	7.4	1.16	8	77	6	9

Maximum Uses in Proposed Zoning District: **SP-R**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached(210)	7.4	N/A	13	124	10	14

Traffic changes between maximum: **R40** and proposed **SP-R**

Land Use (ITE Code)	Acres	Density	Total Numbers of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	7.4	N/A	+5	+47	+4	+5

METRO SCHOOL BOARD REPORT

Projected student generation 1 Elementary 0 Middle 0 High

Schools Over/Under Capacity Students would attend Percy Priest Elementary School, Moore Middle School, or Hillsboro High School. Both Moore Middle School and Hillsboro High School have been identified as being over capacity by the Metro School Board but as no students will be generated for these, no fiscal liability calculation was prepared.

STAFF RECOMMENDATION Staff recommends approval with conditions and a variance for lot frontage for Lot 1 as the proposed SP is consistent with the land use policy.

CONDITIONS

- The following notes shall be added to the corrected copy of the preliminary SP.
 - The primary entrances of the residences on Lots 1, 2, and 13 shall be oriented towards Battery Lane.
 - Lots 1, 2 and 3 shall be accessed from a private alley and Lots 12 and 13 shall be accessed from a shared drive across from the alley.
 - For any standards not shown on the plan, the standards of the RS15 zoning district shall apply.
- Prior to final site plan approval all requirements of the Public Works Department shall be met.
- This SP is limited to up to 13 single-family lots.
- For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the single family portion of the property shall be subject to the standards, regulations and requirements of the RS15 zoning district as of the date of the applicable request or application.
- A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of

the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Bernards presented and stated that staff is recommending approval with conditions as well as a variance for street frontage for Lot 1.

Mr. Lenny Celauro, 1023 Stonewall drive, spoke in opposition to the proposed development.

Mr. Michael Garrigan, spoke in favor of the proposed development.

Ms. Connie Payne, spoke in opposition to the proposed development.

Mr. Roy Dale, Dale & Associates, spoke in favor of the proposed development.

Dr. Cummings spoke in favor of the proposal and acknowledged the condition that the driveways would maneuver around existing trees located on the parcel.

Mr. Gotto requested additional information on stormwater and wet weather conveyances included in the proposal.

Mr. Mishu explained the stormwater issues and wet weather conveyances to the Commission.

Mr. Mishu also explained that if the Commission wanted to further intensify their conditions that related to any stormwater issues they could do so as part of their motion.

Ms. LeQuire expressed concerns that a minimum square footage was included in the development with no mention of a maximum square footage on the proposed single-family dwellings. She suggested that these square footages be discussed in future public meetings.

Mr. Gotto moved and Mr. Gee seconded the motion, which passed unanimously, to approve with conditions Zone Change 2009SP-008-001, and a variance for street frontage for Lot 1, including the consideration of providing minimum and maximum sizes for the residences and working with Planning and Stormwater staff to locate the residences on the site to avoid flooding from the wet weather conveyances. (7-0)

Resolution No. RS2009-59

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-008-001 is APPROVED WITH CONDITIONS AND A VARIANCE FOR STREET FRONTAGE FOR LOT 1, including the consideration of providing minimum and maximum sizes for the residences and working with the Planning Department and Metro Stormwater staff to locate the residences on the site to avoid flooding from the wet weather conveyances. (7-0)

Conditions of Approval:

1. The following notes shall be added to the corrected copy of the preliminary SP.
 - The primary entrances of the residences on Lots 1, 2, and 13 shall be oriented towards Battery Lane.
 - Lots 1, 2 and 3 shall be accessed from a private alley and Lots 12 and 13 shall be accessed from a shared drive across from the alley.
 - For any standards not shown on the plan, the standards of the RS15 zoning district shall apply.
2. Prior to final site plan approval all requirements of the Public Works Department shall be met.
3. This SP is limited to up to 13 single-family lots.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the single family portion of the property shall be subject to the standards, regulations and requirements of the RS15 zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP-R is consistent with the Green Hills Midtown Community Plan's Residential Low policy."